



Advocates for Rural Broadband

Paul Kelly  
President  
Kelly Worthington  
Executive Director

May 4, 2017

**Filed via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

***RE: Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, WC Docket No. 16-106; Federal-State Joint Board on Universal Service Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42; Restoring Internet Freedom, WC Docket 17-108***

Dear Ms. Dortch:

On Tuesday, May 2, 2017, Derrick Owens, Gerry Duffy and the undersigned representing WTA – Advocates for Rural Broadband (“WTA”) met with Dr. Jay Schwarz, Acting Wireline Advisor to Chairman Ajit Pai, to discuss outstanding issues regarding privacy and the Lifeline program.

WTA discussed the impact of Congressional Review Act (“CRA”) legislation on the Commission’s *Broadband Privacy Order*<sup>1</sup> and associated regulations. WTA requested that the Commission clarify the status of CPNI rules which were eliminated in the *Broadband Privacy Order* and which may have been resurrected by the CRA action. WTA also noted that the *Restoring Internet Freedom Draft NPRM* proposes to shift jurisdiction over broadband providers’ privacy practices back to the Federal Trade Commission (“FTC”).<sup>2</sup> WTA emphasized that, after the reinstatement of an information service classification for broadband services, its members will continue to be governed by Section 222 and the Commission’s CPNI regulations as they pertain to voice customers, many of which are also broadband customers. WTA noted that the Commission’s CPNI framework differs in some respects from the FTC’s guidance with respect to consumer privacy. For example, the consumer choice regime in the Commission’s CPNI rules is determined by the prospective use of customer data as opposed to the FTC’s approach which turns on the sensitivity of customer data sought to be used. In the event that the Commission moves forward to restore FTC jurisdiction over broadband providers, WTA urged the Commission to consider holistically examining and modernizing its CPNI framework to ensure that small ISPs such as WTA’s members are not unduly burdened by application of two separate legal frameworks regarding their customers’ privacy.

WTA also noted the proposal to retain broadband as a supported service in the Lifeline program.<sup>3</sup> As recipients of high-cost universal service support, WTA members have a long history of participation as Lifeline providers and have generally made broadband services available to Lifeline customers through

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<sup>1</sup> *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106, Report and Order, 31 FCC Rcd 13911 (2016).

<sup>2</sup> *Restoring Internet Freedom*, WC Docket No. 17-108, FCC-CIRC1705-05 (rel. April 27, 2017) (“*Draft NPRM*”), para. 66-67.

<sup>3</sup> *Draft NPRM* at 68.

bundled voice and broadband service offerings available to the general population. WTA noted that, in addition to determining whether broadband should remain a supported service in the Lifeline program, the Commission should act on outstanding petitions for reconsideration of the *Lifeline Modernization Order* to ensure that eligible rural consumers are able to take full advantage of the program and support for broadband services.

Lastly, WTA discussed progress regarding implementation of the National Verifier. WTA noted that the *Lifeline Modernization Order* sets a deadline of December 31, 2017 for carriers in at least five states to utilize the National Verifier. WTA expressed appreciation for USAC stakeholder engagement leading up to the development of the Draft National Verifier Plan. However, while the Draft Plan is useful in understanding the concept of the National Verifier, carriers have little to no actionable information concerning the National Verifier, including which specific states are scheduled for transition by December 31. Knowing sooner rather than later which states will be included in the initial roll-out will assist carriers in understanding the extent of the impact of the National Verifier in its first year. It will also enable carriers in National Verifier states to begin planning necessary changes to internal procedures and navigating issues that may arise from differing enrollment procedures for state Lifeline programs.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceeding.

Respectfully submitted,

/s/ Patricia Cave

Patricia Cave  
Director, Government Affairs

cc: Dr. Jay Schwarz